

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

KAREN DYER, M.D., and
CALEB BERNARD OSBORNE
HEPBURN,

Plaintiffs,

CASE NO. 03-CV-10250-BC

v.

DISTRICT JUDGE DAVID M. LAWSON
MAGISTRATE JUDGE CHARLES BINDER

COMMUNITY MEMORIAL
HOSPITAL, *aka* CHEBOYGAN
MEMORIAL HOSPITAL,

Defendant.

**MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
ON DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

(Dkt. 35)

I. RECOMMENDATION

For the reasons set forth in the Report and Recommendation filed under seal this date, **IT IS RECOMMENDED** that Defendant’s Motion for Summary Judgment be **GRANTED**.

II. REPORT

The Report and Recommendation in its entirety is filed under seal pursuant to the Protective Order in this case.

III. REVIEW

The parties to this action may object to and seek review of this Report and Recommendation within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1). Failure

to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The parties are advised that making some objections, but failing to raise others, will not preserve all the objections a party may have to this Report and Recommendation. *Willis v. Sec'y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

s/ Charles E Binder

CHARLES E. BINDER

United States Magistrate Judge

Dated: August 4, 2005

CERTIFICATION

I hereby certify that this Report and Recommendation was electronically filed this date, electronically served on Thomas P. Bruetsch, Eugenie B. Eardley and Sandra L. Jasinski, and served in the traditional manner on Kathleen A. Lieder and Honorable David M. Lawson.

Dated: August 4, 2005

By s/Mary E. Dobbick
Secretary to Magistrate Judge Binder